

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES

V.

Criminal No. CCB-14-505

NOLY VIDAD

**DEFENDANT'S REQUEST FOR RELEASE ON HIS PERSONAL RECOGNIZANCE
UPON ENTRY OF PLEA OF GUILTY SCHEDULED FOR FRIDAY, NOVEMBER 14,
2014**

Undersigned Counsel for the Defendant Noly Vidad, Nathans & Biddle LLP, by Robert W. Biddle, Esq. hereby moves this Court to release Mr. Vidad on his personal recognizance on Friday, November 14, 2014, upon his scheduled entry of a guilty plea. The Government's information was previously filed with the Clerk and the Court has also received a copy of the previously signed plea agreement.

Mr. Vidad is a career merchant marine officer. He is a citizen of the Philippines. Since February 3, 2014, he has been residing in Baltimore in a motel, the Best Western Travel Plaza located at 5625 O'Donnell Street, 21224, essentially under home detention during the course of the Government's investigation of offenses to which he, his fellow officer Ireneo Tuale, charged in this Court in case #CCB-14-0513, and their employer, Hachiuma Steamship Company, Ltd., have all agreed to plead guilty. Those charges arise from allegations of unlawful dumping of oil waste on the High Seas outside U.S. Territorial Waters earlier this year.

Pursuant to 18 USC Section 3142(b), the Bail Reform Act, this Court is allowed to release Mr. Vidad on his personal recognizance. The Government is not seeking detention in this case and has monitored Mr. Vidad's presence in Baltimore City since February 3. See Ex. 1 at pp. 7 – 9 (Agreement on Surety). Mr. Vidad has performed well under the Surety Agreement and has not violated any terms of his release and presence in Baltimore during the course of the investigation. Mr. Vidad is a very responsible person who has had an outstanding record both professionally and personally until he made and failed to make the decisions which bring him before this Court for a plea of guilty. See Ex. 2 – 4 (letters from his wife, his aunt, and a family friend). Even if small portions of these letters drafted by their authors express sentiments inconsistent with a plea of guilty, by, for example, asking this Court to grant Mr. Vidad a pardon, see Ex. 4 at p. 2, which quite obviously Mr. Vidad is not requesting, the attached letters do provide a good deal of essential background information (1) pertaining to likelihood that Mr. Vidad will appear in court for further proceedings, a factor in the Section 3142 analysis, and (2) pertaining to Mr. Vidad's history and characteristics, a factor in the Section 3553(a) analysis for sentencing.

Should the Court require further information, it is expected that Mr. Vidad's aunt Ms. Cuenca, see Ex. 3, and a family friend, Mr. Abulencia, see Ex. 4, will be present in court on Friday, Nov. 14.

We ask the Court to release Mr. Vidad on personal recognizance on Friday, November 14.

Respectfully submitted,

/s/

Robert W. Biddle, Esq.
NATHANS & BIDDLE LLP
SunTrust Bank Building
120 East Baltimore Street
Suite 1800
Baltimore, Maryland 21202
410-783-0272

Dated: November 12, 2014

Attachments:

Ex. 1 Agreement on Security

Ex. 2 letter to the Court from Mrs. Vidad, the Defendant's Wife

Ex. 3 letter to the Court from Julita Cuenca, the Defendant's Aunt, residing in NJ

Ex. 4 letter to the Court from Mr. and Mrs. Abulencia, family friend, residing in Virginia

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent by electronic filing to counsel of record.

/s/

Robert W. Biddle